

APPLICANT OR PATENTEE: THOMAS D. CHITTENDEN AND ROBERT J. LUTZ

ATTORNEY'S DOCKET NO.: 104322-147CI

SERIAL OR PATENT NO.: 09/236,385

FILED OR ISSUED: 25 JANUARY 1999

FOR: NOVEL PEPTIDES AND COMPOSITIONS WHICH MODULATE APOPTOSIS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I HEREBY DECLARE THAT I AM

THE OWNER OF THE SMALL BUSINESS CONCERN IDENTIFIED BELOW:  
 AN OFFICIAL OF THE SMALL BUSINESS CONCERN EMPOWERED TO ACT ON BEHALF OF THE CONCERN IDENTIFIED BELOW:

NAME OF ORGANIZATION: APOPTOSIS TECHNOLOGY, INC.

ADDRESS OF ORGANIZATION: 128 SIDNEY STREET, CAMBRIDGE, MASSACHUSETTS 02180

I HEREBY DECLARE THAT THE ABOVE IDENTIFIED SMALL BUSINESS CONCERN QUALIFIED AS A SMALL BUSINESS CONCERN AS DEFINED IN 37 CFR 121.3-18, AND REPRODUCED IN 37 CFR 1.9(d), FOR PURPOSES OF PAYING REDUCED FEES UNDER SECTION 41(A) AND (B) OF TITLE 35, UNITED STATES CODE, IN THAT THE NUMBER OF EMPLOYEES OF THE CONCERN, INCLUDING THOSE OF ITS AFFILIATES, DOES NOT EXCEED 500 PERSONS. FOR PURPOSES OF THIS STATEMENT, (1) THE NUMBER OF EMPLOYEES OF THE BUSINESS CONCERN IS THE AVERAGE OVER THE PREVIOUS FISCAL YEAR OF THE CONCERN OF THE PERSONS EMPLOYED ON A FULL-TIME, PART-TIME OR TEMPORARY BASIS DURING EACH OF THE PAY PERIODS OF THE FISCAL YEAR, AND (2) CONCERNS ARE AFFILIATES OF EACH OTHER WHEN EITHER, DIRECTLY OR INDIRECTLY, ONE CONCERN CONTROLS OR HAS THE POWER TO CONTROL THE OTHER, OR A THIRD PARTY OR PARTIES CONTROLS OR HAS THE POWER TO CONTROL BOTH.

I HEREBY DECLARE THAT RIGHTS UNDER CONTRACT OR LAW HAVE BEEN CONVEYED TO AND REMAIN WITH THE SMALL BUSINESS CONCERN IDENTIFIED ABOVE WITH REGARD TO THE INVENTION, ENTITLED NOVEL PEPTIDES AND COMPOSITIONS WHICH MODULATE APOPTOSIS BY INVENTOR(S) THOMAS D. CHITTENDEN AND ROBERT J. LUTZ DESCRIBED IN

THE SPECIFICATION FILED HEREWITH.  
 APPLICATION SERIAL NO. 09/236,385, FILED 25 JANUARY 1999.  
 PATENT NO. , ISSUED .

I F THE RIGHTS HELD BY THE ABOVE IDENTIFIED SMALL BUSINESS CONCERN ARE NOT EXCLUSIVE, EACH INDIVIDUAL, CONCERN OR ORGANIZATION HAVING RIGHTS TO THE INVENTION IS LISTED BELOW\* AND NO RIGHTS TO THE INVENTION ARE HELD BY ANY PERSON, OTHER THAN THE INVENTOR, WHO COULD NOT QUALIFY AS AN INDEPENDENT INVENTOR UNDER 37 CFR 1.9(c) IF THAT PERSON MADE THE INVENTION, OR BY ANY CONCERN WHICH WOULD NOT QUALIFY AS A SMALL BUSINESS CONCERN UNDER 37 CFR 1.9(d) OR A NONPROFIT ORGANIZATION UNDER 37 CFR 1.9(e). \*NOTE: SEPARATE VERIFIED STATEMENTS ARE REQUIRED FROM EACH NAMED PERSON, CONCERN OR ORGANIZATION HAVING RIGHTS TO THE INVENTION AVERRING TO THEIR STATUS AS SMALL ENTITIES. (37 CFR 1.27)

JNAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

ACKNOWLEDGE THE DUTY TO FILE, IN THIS APPLICATION OR PATENT, NOTIFICATION OF ANY CHANGE IN STATUS RESULTING IN LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS PRIOR TO PAYING, OR AT THE TIME OF PAYING, THE EARLIEST OF THE ISSUE FEE OR ANY MAINTENANCE FEE DUE AFTER THE DATE ON WHICH STATUS AS A SMALL ENTITY IS NO LONGER APPROPRIATE. (37 CFR 1.28(b))

HEREBY GRANT THE FIRM OF HALE AND DORR LLP THE POWER TO INSERT ON THIS DOCUMENT ANY FURTHER IDENTIFICATION, INCLUDING THE APPLICATION NUMBER AND FILING DATE, WHICH MAY BE NECESSARY OR DESIRABLE IN ORDER TO COMPLY WITH THE RULES OF THE UNITED STATES PATENT AND TRADEMARK OFFICE FOR RECORDATION OF THIS DOCUMENT.

HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 35 OF THE UNITED STATES CODE, AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION, ANY PATENT ISSUING THEREON, OR ANY PATENT TO WHICH THIS VERIFIED STATEMENT IS DIRECTED.

NAME OF PERSON SIGNING: WALTER BLATTNER

TITLE IN ORGANIZATION: Executive Vice President, Science & Technology

ADDRESS OF PERSON SIGNING: 128 SIDNEY STREET, CAMBRIDGE, MASSACHUSETTS 02139

SIGNATURE: W. Blattner

DATE: 06/12/2010

**COMBINED DECLARATION AND POWER OF ATTORNEY**

**As a below named inventor, I hereby declare that:**

This declaration is of the following type:

- original
- divisional
- continuation
- continuation-in-part

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

*NUCLEIC PEPTIDES AND COMPOSITIONS WHICH MODULATE APOPTOSIS*

**SPECIFICATION IDENTIFICATION**

The specification of which:

- is attached hereto
- was filed on 25 January 1999, and assigned Serial No. 09/236,385
- Express Mail No. FIELD(Express Mail No.)(as Serial No. not yet known) and was amended on \_\_\_\_\_ (if applicable)
- was described and claimed in PCT International Application No. filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations §1.56 and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- In compliance with this duty there is attached an Information Disclosure Statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §119)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

No such applications have been filed  
 Such applications have been filed as follows:

**PRIORITY CLAIM (35 U.S.C. §120)**

I hereby claim the benefit under Title 35, United States Code §120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information that is material to the examination of this application (namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

No such applications have been filed  
 Such applications have been filed, as follows:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
08/908,597	8 August 1997	patented
08/440,391	12 May 1995	patented

**POWER OF ATTORNEY**

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Henry N. Wixon, Reg. No. 32,073; Scott M. Alter, Reg. No. 32,879; Edward D. Grieff, Reg. No. 38,898; Hollie L. Baker, Reg. No. 31,321; James B. Lampert, Reg. No. 24,564; Michael J. Bevilacqua, Reg. No. 31,091; Wayne M. Kennard, Reg. No. 30,271; Donald R. Steinberg, Reg. No. 37,241; Michael A. Diener, Reg. No. 37,122; Wayne A. Keown, Reg. No. 33,923; Irah H. Donner, Reg. No. 35,120; Gregory S. Discher, Reg. No. 42,488; Maria Maebius, Reg. No. 42,967; Luke J. Yeh, Reg. No. 43,296.

Send correspondence to:

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### DECLARATION

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.*

Full name of first inventor: **Thomas D. CHITTENDEN**

Inventor's signature: Thomas D. Chittenden Date: 8/29/00

Residence: Stow, Massachusetts

Post Office Address: 40 Deerfield Lane  
Stow, MA 01775  
U.S.A.

Country of Citizenship: United States of America

### DECLARATION

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.*

Full name of second inventor: **Robert J. LUTZ**

Inventor's signature: Robert J. Lutz Date: 8/29/00

Residence: Wayland, Massachusetts

Post Office Address: 218 Old Connecticut Path  
Wayland, MA 01778  
U.S.A.

Country of Citizenship: United States of America

**Attorney Docket No. 104322-147 CIP**

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